CLASSIFICATION OFFICE DECISION

Title of publication: a11381dn.wmv

Other known title(s): Not stated

OFLC ref: 0901790.000

Medium: Computer Moving Image File

Distributor: Not stated

Director: Not stated

Producer: Not stated

Country of origin: Japan

Language: Japanese

Applicant: Comptroller of Customs

Classification:	The unexcised version of this publication is classified as Objectionable. The excised version of this publication is classified as Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Excisions: Recommended but not made

Descriptive note: None

Display conditions: None

Date of entry in Register: 17 March 2010

Date of direction to issue a label: No direction to issue a label has been issued

	Components	Running time
Feature(s):	a11381dn.wmv	57:58
Total running time:		57:58

Summary of reasons for decision:

The computer moving image file is a sexually explicit Japanese publication with two scenes. The opening sequence features a young woman, actively presented as a young person, being persuaded to engage in sexual activity. Its purpose is to sexually titillate or arouse people with a sexual interest in young persons. There is no context to suggest a non-sexual reading. By presenting explicit footage of a young person being cajoled into sexual activity by an older man, the publication encourages the sexual exploitation of young persons. With this sequence included the publication tends to promote and support the exploitation of young persons for sexual purposes under s3(2)(a) of the FVPC Act. Had the excision of this scene been made, the publication would have been classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years. However, no response to the excision notice was received from the owner of the publication and therefore the publication is deemed to be objectionable.

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification criteria. The classification of this publication interferes with the freedom of expression. However, the decision is a reasonable and demonstrably justified limitation on the freedom of expression that reflects the concerns of a free and democratic society to limit the availability of publications that tend to promote and support the exploitation of young persons for sexual purposes.